

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD ARTHUR CALDWELL,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting  
Commissioner of the Social Security  
Administration.

Defendant.

CASE NO. 3:17-cv-05178 JRC

**ORDER GRANTING STIPULATED  
REMAND**

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This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13. *See also* Order on Consent, Dkt. 13. This matter is before the Court on defendant's stipulated motion to remand the matter to the Acting Commissioner for further consideration. Dkt. 12.

After reviewing defendant's stipulated motion and the remaining record, the Court grants defendant's motion, and reverses and remands this matter to the Acting Commissioner.

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision be REVERSED and REMANDED to the Acting Commissioner of Social Security for further

administrative proceedings. On remand, the administrative law judge (ALJ) will conduct *de novo* the sequential evaluation process. If available and warranted, the ALJ will consider obtaining expert evidence to address medical or vocational issues.

This Court hereby reverses the Commissioner's decision pursuant to sentence four of 42 U.S.C. § 405(g) with a remand of the case to the Acting Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Plaintiff will be entitled to reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), following proper request to this Court.

Given the facts and the parties' stipulation, the Court hereby orders that the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 5th day of June, 2017.

  
J. Richard Creature  
United States Magistrate Judge